

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

U.S.A. vs. Charles F. Murray

Docket No. 11-00051-001

Second Supplemental Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Charles F. Murray, who was placed on supervision by the Honorable Joseph E. Irenas sitting in the Court at Camden, New Jersey, on the 27th day of August, 2004, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Pay a \$200 special assessment fee.
- Provide the Probation Office with access to any requested financial information.
- Do not open any new lines of credit without first receiving permission from the Probation Office.
- Register with the state sex offender registration agency in any state where the defendant resides, is employed, carries a vocation, or is a student, as directed by the probation officer.
- Cooperate in the collection of DNA.
- Follow the directions of the U.S. Probation Officer regarding contact with children of either sex, under the age of 18.
- Submit to initial inspection and periodic unannounced examinations of the defendant's computer equipment.
- Allow installation on the defendant's computer of any hardware or software systems to monitor computer use.
- Shall abide by the standard conditions of computer monitoring that have been adopted by this court.
- Shall advise the U.S. Probation Office of any computers that he has access to and agree not to use such computers unless the owners agree to the monitoring procedures.

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Docket No. 11-00052-001

Supplemental Petition on Supervised Release

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Charles F. Murray, who was placed on supervision by the Honorable Bruce W. Kauffman sitting in the Court at Philadelphia, Pennsylvania, on the 24th day of February 2005, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Shall not possess a firearm, destructive device, or any other dangerous weapon.
- Cooperate in the collection of DNA.
- Shall participate in a mental health treatment program which may include urine testing.
- Shall have restricted computer use.
- Shall have monitored contact with minors.
- Shall be required to attend counseling as directed by the probation officer.

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- 08/27/2004: Traveling in Interstate Commerce to Engage in Illicit Sexual Conduct with a Minor (2 counts) 83 Months' Incarceration at each count to be served concurrently; Followed by 3 Years' Supervised Release at each count to be served concurrently (Docket No.04-207-001-D/NJ) .
- 02/24/2005: Possession of Child Pornography 40 Months' Incarceration; Followed by 3 Years' Supervised Release concurrent with previous case. (Docket No. 04-666-001 ED/PA).
- 07/02/2010: Released to supervision; Supervision begins (at Docket Nos. 04-666-001 ED/PA and 04-207-001 D/NJ); Currently supervised by USPO Alexis L. Zellefrow
- 07/10/2010: Jurisdiction transferred from Eastern District of Pennsylvania to Western District of Pennsylvania. (Docket No. 04-666-001)
- 08/19/2010: Jurisdiction transferred from District of New Jersey to Western District of Pennsylvania. (Docket No. 04-207-001)
- 02/03/2011: Petitioned Court to modify conditions of supervision.
- 04/19/2011: Case reassigned to Chief Judge Gary L. Lancaster.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner, in the previously filed Petitions, inadvertently included conditions of supervision that would not be appropriate in this case. Therefore, we would request that the conditions of supervision be modified to reflect only the following:

The defendant is permitted to possess and/or use a computer and is allowed access to the Internet. However, the defendant is not permitted to use a computer, or other electronic communication or data storage devices, including a cell phone, to access child pornography or to communicate with any individual or group for the purpose of promoting sexual relations with children. The defendant shall consent to the installation of any hardware/software to monitor any computer, or other electronic communication or data storage devices used by the defendant to confirm the defendant's compliance with this condition. The defendant shall pay the monitoring costs as directed by the probation/pretrial services officer. Furthermore, the defendant shall consent to periodic unannounced examinations by the probation/pretrial services officer of any computers, cell phones, or other electronic communication or data storage devices that the defendant has access to, to confirm the defendant's compliance with this condition. Additionally, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by or the probation/pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. The defendant's failure to submit to the monitoring and/or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.

Additionally, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by or the probation/pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. The defendant's failure to submit to the monitoring and/or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.

If the defendant's employment requires the use of a computer, the defendant may use a computer in connection with the employment approved by the probation/pretrial services officer, provided the defendant notifies his or her employer of the nature of his or her conviction(charge). The probation/pretrial services officer shall confirm the defendant's compliance with this notification requirement.

The defendant shall provide the U.S. Probation Office with accurate information about his/her entire computer system (hardware/software) and other electronic communication or data storage devices or media to include all passwords used and the name of the Internet Service Provider(s). The defendant also shall abide by the provisions of the Computer Restrictions and Monitoring Program approved by the Court.

The defendant shall submit his person, property, house, residence, vehicle, papers, business or place of employment, to a search, conducted by a United States probation/pretrial services officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to searches pursuant to this condition.

PRAYING THAT THE COURT WILL ORDER that the above conditions be incorporated as part of the Petition Action previously made part of the record on March 29, 2011.

ORDER OF COURT

Considered and ordered this 21st day of April, 20 11 and ordered filed and made a part of the records in the above case.

G. L. Lancaster
Gary L. Lancaster
Chief U.S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 20, 2011

Alexis Zellefrow
Alexis Zellefrow
U.S. Probation Officer

Mike DiBiasi
Mike DiBiasi
Supervising U.S. Probation Officer

Place: Pittsburgh, Pennsylvania